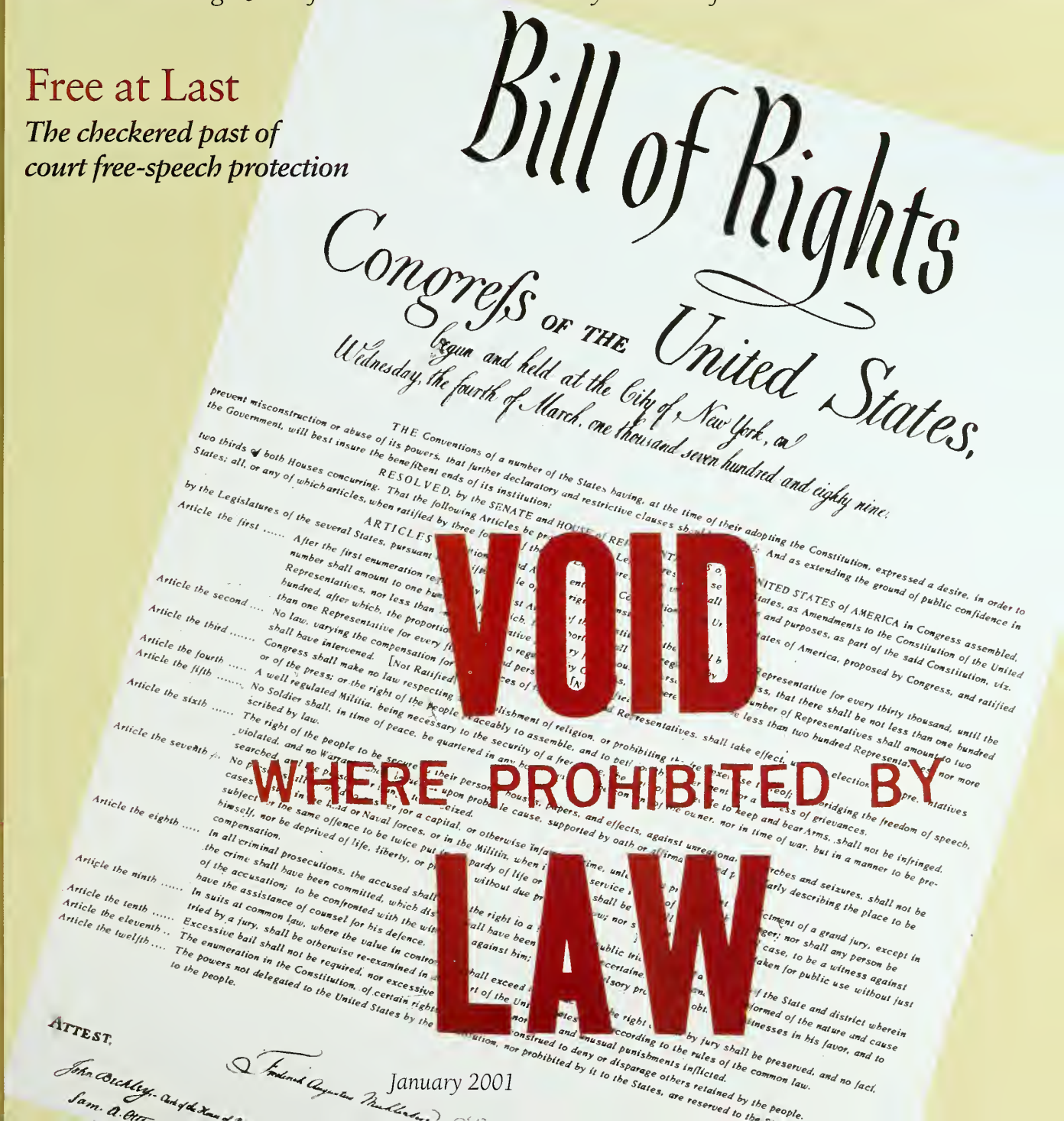
Wake Forest
JURIST

the magazine of Wake Forest University School of Law

Free at Last

The checkered past of court free-speech protection



January 2001

We need a new plan.

Appropriately for the first true year of the new millennium, 2001 is a year in which our law school is particularly focusing on the future. We are formulating a new long-range plan, and we are beginning a new capital campaign.

Over a decade ago, Wake Forest formulated the well-received 4/40 Plan. Under that plan, we reduced the entering class to 160, dividing it up into four sections of forty students for each course except Legal Research and Writing, for which we have eight sections of twenty students each. The plan also called for a new building and recruitment of several distinguished professors. We have actually completed the 4/40 Plan; we have dotted every "i" and crossed every "t." We need a new plan.

Last year, I appointed then-professor and now Associate Dean Miles Foy to head a new standing committee of the faculty, the Long-Range Planning Committee. Other members of this committee are Michael Green, Suzanne Reynolds, Tom Roberts, Charley Rose, and Ron Wright. To start the new planning process, we held a summer leadership conference with panels of alumni discussing "Educating the 21st Century Lawyer" for various areas of the practice of law. The committee then sent questionnaires to each member of the faculty and to each member of the Law Alumni Council and the Law Board of Visitors. The questionnaire asked about the law school's strengths and weaknesses, issues we need to address in the planning process, new initiatives we need to undertake, and the law school's current "mission statement." (For more information about our mission statement or the law school, please check our Web site at http://www.law.wfu.edu/.)

In the input received so far, both from our board members and faculty, there is wide agreement on foundational principles for the new long-range plan. Everyone wants to build on the 4/40 Plan and keep the student body small with a strong student/faculty ratio. Also, all agree that Wake Forest should remain true to its heritage of emphasizing the importance of personalized teaching and values education, while striving for even greater national stature. Many ideas for initiatives to supplement the 4/40 Plan have been advanced: adding new clinics, even further reducing the student/faculty ratio, new uses of technology, further expansion of programs in the area of globalization and international law, and further partnering with other schools and units of the University.

The next step in the planning process will take place about the time you are reading this article. We are bringing in five distinguished legal educators from around the country to meet with the Long-Range Planning Committee and asking their opinions on the best practices in legal education for the next decades. The five educators are Patricia O'Hara, dean at Notre Dame; John Sexton, dean at New York University; Barry Sullivan, former dean at Washington and Lee; Kent Syverud, dean at Vanderbilt; and Jim White, the Consultant on Legal Education to the ABA for twenty-seven years.

We hope to have the new plan completed by next fall. I invite you to give your thoughts to the committee on the issues raised in the alumni questionnaires by writing Miles Foy. His e-mail address is hfoy@law.wfu.edu, and his fax number is 336-758-4632.

This year, Wake Forest embarks on a new capital campaign. We received input from alumni and other constituencies in formulating our priorities for the campaign. At the top of the priority list is financial aid for students, followed by increasing faculty support.

Wake Forest has one of the lowest private school tuitions among the *U.S. News & World Report* top fifty schools. Our students, even those without any scholarship aid, pay less than two-thirds of the true cost of their education. However, we are a private school that has a tuition of almost $22,000 this year. There is a danger that this could change the nature of our student body and exclude, for financial reasons, an increasing number of students who really want a Wake Forest law education. We are now competing for students and faculty with other private schools that devote more resources to scholarship aid and faculty support.

Wake Forest has been successful because each generation gave back to its law school, supporting the next generation. In our long-range plan and in the capital campaign, we aspire to be a better law school within the traditions of Wake Forest. Our success and achievements have been built on the loyalty and support of alumni and friends. I trust that you will join us in planning and helping to fund a Wake Forest legal education for the next generation. ⚖

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JURIST

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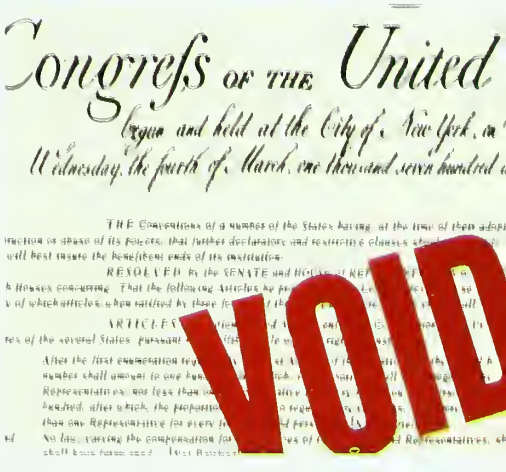

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New Associate Dean Named

External affairs stays in good hands with Ann Gibbs

Ann Gibbs: 'I love this law school's philosophy.'

Ann Setien Gibbs, the new associate dean for external affairs and administration at the School of Law, brings a wealth of experience to the law school. Her hiring in October ended a search that drew applicants from across the nation and reflects the success of James Taylor Jr., her predecessor, in elevating the school's profile.

Gibbs, forty-three, was previously associate dean for Nova Southeastern University Law Center and the University of Richmond School of Law. She received only rave reviews from those who have worked with her and from the faculty and student committee at Wake Forest, said Dean Robert K. Walsh. She has served as an associate and assistant dean for sixteen years, with depth of experience in most of the areas she will oversee at Wake Forest.

Nova Dean Joseph Harbaugh "kiddingly threatened to kill me if I hired her," Walsh said. Walsh and Harbaugh are longtime friends.

Gibbs also has a longstanding professional relationship with Harbaugh, whom she calls her mentor. The two worked together for eight years at Richmond. Harbaugh became dean at Nova in 1996, and he invited Gibbs to join him there a year later. She was at Nova for almost four years when the opportunity at Wake Forest opened.

She was impressed with the quality of undergraduate students, whom she worked to recruit to Richmond, and "The reputation of Wake's law school has grown tremendously under the leadership of Dean Walsh," she said. She praised the school for keeping its small size while other schools have grown and reaped financial benefits. "I love this law school's philosophy of small classrooms and practical experience. I love that the faculty knows the students. There's a strong sense of ethics in the curriculum in addition to simply teaching legal principles. All of these things combine for an excellent legal education."

She is grateful to follow Taylor in her oversight of admissions, career services, public relations, and continuing legal education. "He's left a great legacy here and has made my job a lot easier because he organized and got people moving in the right direction." Faculty members now oversee legal clinics, a program that Taylor expanded greatly.

With external relations in such fine form, her main task is to help the school continue the positive upswing it has achieved in recent years. In admissions, she plans to ensure that the school invites students who represent geographic, ethnic, and racial diversity. In career services, she will add law firms in some metropolitan areas outside North Carolina to aid students from other states. In public relations, "We have to continue to find ways to make sure people across the country understand what a good education we're offering at Wake Forest and what great lawyers-to-be we have." Continuing Legal Education is a new area of oversight for Gibbs. "We have to decide if we're going to get into the distance-education market or if we're going to be the best we can be with on-site lectures."

A native of Richmond, Virginia, Gibbs graduated with highest honors from the University of Virginia in 1979. An education major, she taught elementary school for a year, then decided to study law. She was interested in education law, but didn't find an available opportunity. Instead she landed a position at Browder, Russell, Morris and Butcher in Richmond, where she handled insurance defense cases from 1983 to 1984. From there she moved on to a position as assistant dean for recruiting and admissions at Richmond and became an associate dean in 1993. She also coordinated and taught in the lawyering skills program at Richmond.

Faith and law

Symposium examines public policy impact of religiously grounded morality

A stellar group of experts participated in the symposium.

"Religiously Grounded Morality: Its Proper Role in American Law and Public Policy," a two-day symposium sponsored by the Wake Forest University School of Law and organized by Michael Perry, University Distinguished Chair in Law, examined the legitimacy of bringing religiously based moral beliefs into political argument and decision-making in the United States.

All of the ten presenters in the October symposium are professionally engaged in the study of religion and politics, and each submitted a paper which was reviewed in advance and commented on during the symposium. The papers will appear in the May 2001 issue of the *Law Review*.

What is the framework for our laws that are religiously grounded? What does "reasonable" mean and whom does it exclude? Should Christians oppose same-sex marriages? How does natural law fit into our legal system? These were among the questions examined during the symposium, which sought to explore and probe and not to draw final conclusions or establish platforms.

Perry, whose seven books include *Love and Power: The Role of Religion and Morality in American Politics* (1991) and *Religion in Politics: Constitutional and Moral Perspectives* (1997), cited news stories from summer 2000 in which Senator Joseph Lieberman was criticized for seeking a greater role for faith in American political life. The Anti-Defamation League seized his words and warned that, at a certain point, emphasizing religious observance can be "inappropriate and even unsettling in a religiously diverse society such as ours."

"That incident brought to the foreground the complicated and controversial issue of religion in politics, which remains one of the most contested in the U.S. today," Perry said. "There are those who think that bringing religion to bear in American politics is a problematic thing to do and that it must be done carefully and with restraint. Others think that religious believers need not be shy about bringing religion to bear in their politics. That's an oversimplification of the two basic sides in the discussion. As people begin to talk about it carefully, many distinctions arise."

The intersections of law, politics, and religion are all around us, as the symposium pointed out. The First Amendment arises out of a deep Christian conviction of religious freedom. The tenet "Thou shalt not kill" is heeded by some because they feel that our society will be better off if we don't kill each other; others obey because they believe there is a supreme ruler who commands that we not kill. People may follow the same rule for different reasons—some religious, some secular—but they are still able to converge in support in of the policy.

"The law is the product of politics, and in a country where 95 percent of the people self-identify as religious, presumably the law will have a relationship with religion," Perry said. "In the conference we discussed issues not addressed by constitutional law, such as the question of whether it is morally fitting in a liberal democracy for people to bring religion into politics.

"I thought the symposium was fabulously successful in the sense that we had a group of people, all of whom are fully conversant in the complexity of the issue, engaging one another in a friendly but intense way over a couple of days," Perry said. "We had great conversation, the weather was perfect, and it was a good way to show off Wake Forest University."

The commentators for the symposium were:

✧ Robert Audi, the Charles J. Mach Distinguished Professor of Philosophy at the University of Nebraska;

✧ Eugene Garver, Regents Professor of Philosophy at Saint John's University and Adjunct Professor at the University of Minnesota;

✧ John Coleman, S.J., a Jesuit priest who is Charles Casassa Professor of Social Values at Loyola Marymount University in Los Angeles;

✧ Christopher J. Eberle, Assistant Professor of Philosophy at Concordia University;

✧ Kent Greenawalt, University Professor at the Columbia Law School;

✧ M. Cathleen Kaveny, an Associate Professor at Notre Dame Law School, with a concurrent appointment in the Department of Theology;

✧ Steven D. Smith, the Robert and Marion Short Professor at the Notre Dame Law School;

✧ Paul Weithman, Associate Professor of Philosophy at the University of Notre Dame;

✧ Ashley Woodiwiss, Associate Professor of Political Science at Wheaton College;

✧ Nicholas Wolterstorff, the Noah Porter Professor of Philosophical Theology in the Divinity School and Adjunct Professor in the Philosophy and Religious Studies Departments of Yale University.

CAROL ANDERSON is serving as president of the Forsyth County Bar Association. She also served as editor of the most recent issue of *Trial Briefs*, the quarterly magazine published by the North Carolina Academy of Trial Lawyers, and she will be co-editing the next issue as well. In May she will be a team leader at the National Institute of Trial Advocacy's Southeast Regional Trial Advocacy Program in Chapel Hill.

DON CASTLEMAN was invited to Moscow over Thanksgiving to deliver lectures on the American legal system and free market economy at the Institute of Business Studies, Academy of National Economy, Russian Ministry of Education.

CHRIS COUGHLIN recently made two presentations at the Wake Forest School of Medicine—one an introduction to law and medicine; the other concerning the Emergency Medical Transfer and Active Labor Act.

MICHAEL CURTIS' article, "Teaching Free Speech from an Incomplete Fossil Record," has been published in the *Akron Law Review* as part of a symposium on Education and the Constitution. He was elected the Chair of the Association of American Law Schools Section on Constitutional Law for the year 2001. In October 2000 he spoke at the symposium at the Worrell Professional Center held just before the presidential debate. The program was broadcast on C-Span. His article, "Historical Linguistics, Inkblots, and Life After Death: The Privileges or Immunities of Citizens of the United States," was published in April 2000 in the *North Carolina Law Review*. On March 20, 2000, Curtis spoke at the Library of Congress program on the 100th anniversary of the death of Congressman John A. Bingham, the principal author of section 1 of the 14th amendment. The program was broadcast on C-Span.

MARK HALL has completed the first stage of his study of health insurance regulation, resulting in ten articles published in various legal and health policy journals over the past two years. He has just begun a major empirical investigation of managed care patient protection laws, with a grant from the Robert Wood Johnson Foundation. He has also become one of the country's leading experts on the role that trust plays in doctor-patient relationships. He is directing a team of researchers in developing a scale to measure patients' trust in doctors and health insurers, and he is analyzing what factors affect trust and how the law can help improve trust. Hall also is working with researchers at the Medical School to examine whether results from genetic tests can and should be used against (or for) people by their employers and insurers.

DAVID LOGAN has just completed nine years of service as an advisor to the Ethics Committee of the North Carolina Bar Association. His new article, "All Monica, All the Time: the 24-hour News Cycle and the Proof of Culpability in Libel Actions," was published in a symposium issue of the University of Arkansas—Little Rock *Law Review* devoted to the subject of media law and ethics.

KATE MEWHINNEY, Director of the Legal Clinic for the Elderly, is serving on the steering committee of the Community Partnership to Improve End of Life Care, a coalition of groups and individuals in the Forsyth County area funded by the Duke Endowment. Professor Mewhinney joined with other panelists and speakers, including Congressman Richard Burr and Lieutenant Governor Beverly Perdue, in the Partnership's kickoff event at Bridger Field House on January 22.

DEBBIE PARKER, assistant dean for students, has recently published an article in *The Journal of Appellate Practice and Process* titled "Electronic Filing in North Carolina, Using the Internet Instead of the Interstate."

MICHAEL PERRY published several essays in the last year: "Freedom of Religion in the United States," 75 *Indiana Law Journal* 295 (2000) (Symposium on Religious Liberty at the Dawn of a New Millennium); "What Is 'Morality,' Anyway?" 45 *Villanova Law Review* 69 (2000) (1999 Giannella Memorial Lecture); "Christians and Political Self-Restraint: The Controversy Over Same-Sex Marriage," in *A Nation Under God? Essays on the Fate of Religion in American Public Life* (R. Bruce Douglass & Joshua Mitchell, eds., 2000); "American Catholics and American Politics," *55 Proceedings of the Annual Meeting of the Catholic Theological Society of America* 57 (2000); "Liberal Democracy and Religious Morality," in *Law & Religion: A Critical Anthology* (Stephem M. Feldman, ed., 2000). *The Journal of Law and Religion* (Volume XIV, Number 1, 1999-2000) published a symposium on Perry's book, *The Idea of Human Rights* (1998). Perry delivered several lectures and addresses in the last year: The Calvin W. Croman Memorial Lecture at Rutgers University (Camden) School of Law; a public lecture at Lafayette College (Easton, Pennsylvania); an after-dinner address at the annual initiation ceremony of the Wake Forest University chapter of Phi Beta Kappa; an address to a colloquium sponsored by *Commonweal* Magazine; a plenary address to the annual meeting of the Catholic Theological Society of America; and a keynote address to a symposium sponsored by St. John's University School of Law.

SUZANNE REYNOLDS' third volume of Lee's *North Carolina Family Law* was published in December 2000.

ALAN PALMITER traveled to La Paz, Bolivia, last summer and gave a series of talks, including one to a group of lawyers and government officials on transparency in global securities markets. His paper on the recent history of corporate governance in the United States is to be published shortly in a Bolivian business magazine. Last fall Palmiter published an article titled "What Every Criminal Defense Attorney Should Know About the New Immigration Law" in *True Bill*, the newsletter of the North Carolina Bar Association's Criminal Justice Section.

PATRICIA ROBERTS' casebook, *Problems and Materials on Decedents, Estates and Trusts*, was published by Aspen Publishers last year.

DAVID SHORES published an article, "Rethinking Deferential Review of Tax Court Decisions," in *The Tax Lawyer* last April. In 1999 his article, "Re-examining Continuity of Shareholder Interest in Corporate Divisions," appeared in the *Virginia Tax Review*.

TOM STEELE conducted a day-long program in October in Hickory for the various legal services corporations in North Carolina on ethical considerations in using technology in the practice of law.

MARGARET TAYLOR was appointed by the president of the American Bar Association to serve a three-year term on the ABA's Coordinating Committee on Immigration Law. In January, she moderated a session on immigration enforcement strategies at the Association of American Law Schools Annual Meeting in San Francisco.

ROBERT WALSH just completed his term as chair of the Section on Legal Education and Admission to the Bar of the American Bar Association, but remains an officer of the Section for one more year. He was a speaker on numerous programs, including a Presidential Showcase Program at the London ABA meeting titled "Out of the Box Thinking About the Training of Lawyers of the Next Millennium."

RON WRIGHT has recently published a review of a book on Canadian sentencing in *Punishment & Society*. He has also recently published a supplement to his criminal procedure casebook, as well as a tribute to the late Judge Frank Johnson in the *Alabama Law Review* and an article on school drug testing in the *Criminal Law Bulletin*.

Carol Anderson, director of the law school's trial advocacy program, and Dean Robert K. Walsh, right, accept the Emil Gumpert Award from Michael Mone of the American College of Trial Lawyers.

✧ The Wake Forest University School of Law has received the Emil Gumpert Award from the American College of Trial Lawyers for excellence in teaching trial advocacy. Since 1975, the award has been given annually to a law school which is deemed by the College to have achieved a level of excellence in the teaching of trial advocacy worthy of special recognition. Besides curriculum, the awards committee looked at extracurricular activities for the education of advocates. It was impressed with the national success of Wake Forest's trial and moot court teams and its many trial advocacy programs, such as the Chief Justice Joseph Branch Inn of Court, which brings together prominent trial judges and lawyers in monthly meetings with students to discuss issues of trial advocacy.

✧ The Wake Forest University School of Law National Moot Court teams won the Region IV competition in the Fifty-First Annual National Moot Court Competition held at the Fourth Circuit Court of Appeals in Richmond, Virginia. The competing schools were from Kentucky, North Carolina, Virginia, and West Virginia. Professor Charles Rose is the national moot court team advisor.

✧ The School of Law held a Presidential Election Symposium in early October, a few days before the presidential debate at Wake Forest. The program was a panel discussion moderated by Jack Ford of ABC News, with nationally recognized experts in constitutional law, including William Van Alstyne of Duke University School of Law, A. E. Dick Howard of the University of Virginia School of Law, and Michael Kent Curtis and J. Wilson Parker of Wake Forest University School of Law. The program was covered by C-SPAN and aired nationally that evening and several times during the next two weeks. The discussion was centered around legal issues relating to elections such as campaign finance reform, the presidential selection of Supreme Court justices, and other issues which have arisen during previous presidential elections.

✧ The National Association for Public Interest Law has awarded Wake Forest University School of Law the 1999-2000 Group Project Award for its Public Interest Law Organization group project. The Association presented this award at its annual meeting in Washington, D.C., to Wake Forest law alumni Jessica Benjamin ('99), Brett Loftis ('99), and Anne Runheim('00), who spearheaded the organization of the project. (For more on the project, see article on page 14–15.)

✧ State Appellate Judge Clarence Horton met informally with law students in September as part of a continuing series which brings prominent members of the profession to the law school to share their experiences in a conversational format.

✧ The North Carolina Court of Appeals held oral argument at the law school in September. The panel of judges included Judges John Lewis, Ralph Walker, and Robert Hunter.

✧ After five years of service as associate dean for academic affairs, Ralph Peeples has returned to the faculty and has been succeeded by Miles Foy, who held the position prior to Peeples. In other administrative changes, Debbie Parker has assumed the role of assistant dean for students. She, along with Ruth Morton, will continue as co-director of the Legal Research and Writing Program.

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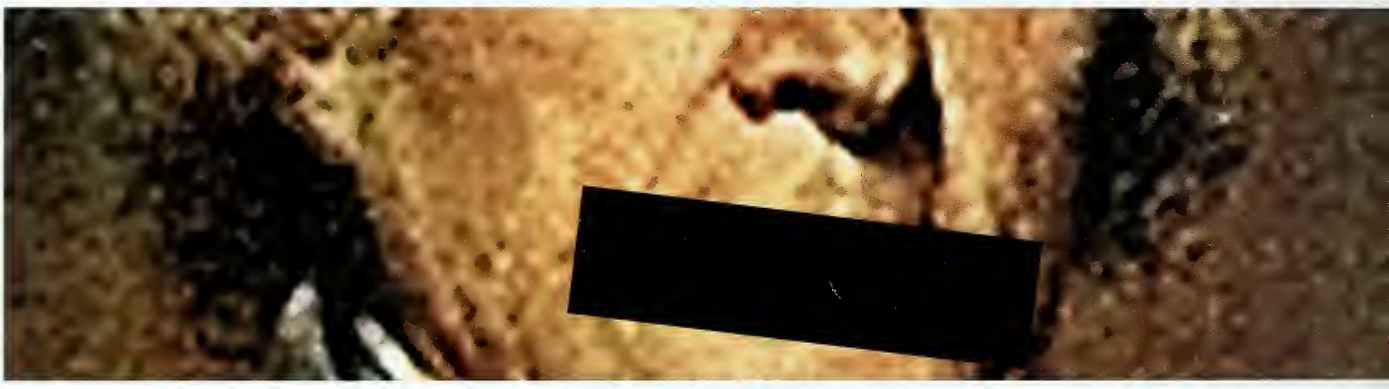
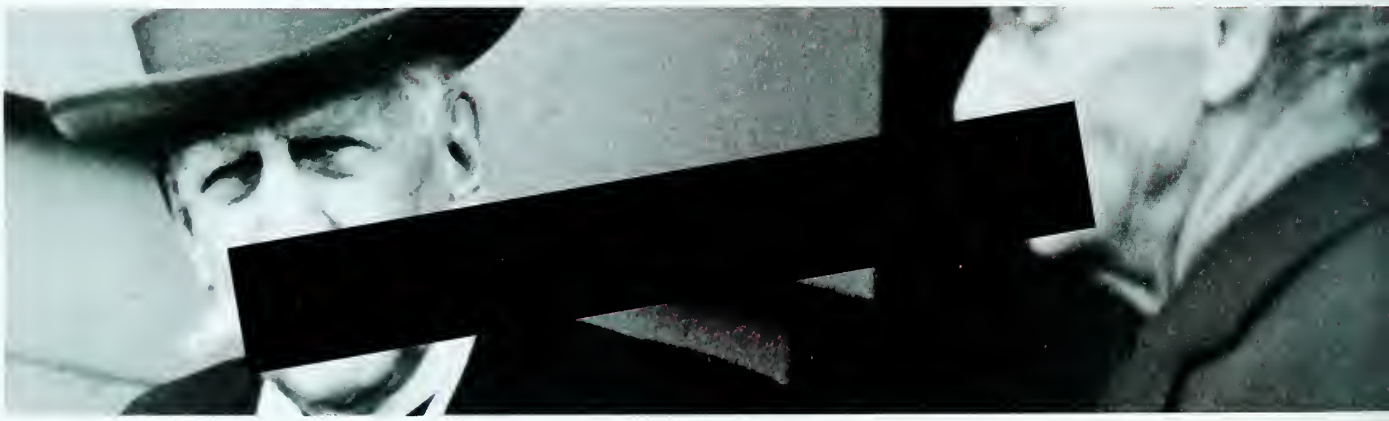




Free Speech

by Michael Kent Curtis

The court protection of free speech we've come to take for granted was not always so steadfast.

Quite the contrary.

Editor's Note: Professor Michael Kent Curtis teaches Constitutional Law, Free Speech, and Legal and Constitutional History at Wake Forest University School of Law. His new book, Free Speech, the People's Darling Privilege *(Duke University Press, 2000) is a collection of a few stories of free speech struggles that gripped the nation from the ratification of the Bill of Rights in 1791 to the ratification of the Fourteenth Amendment in 1868. It also tells the story of the modern fate of theories that were espoused in an effort to justify suppression of anti-slavery and anti-war speech in these early years. In the following article, Professor Curtis writes about some free speech stories discussed in his book.*

WE ARE ACCUSTOMED TO THINK of the Supreme Court as the oracle of the Constitution and the protector of our liberties. But from 1798 down to the nineteen-thirties, the judges were much more willing to support suppression of speech. As a result, protective ideas of speech that reached a high point during the Warren Court might appear to be a quite recent invention of the judges.

For example, in 1798 Congress passed the Sedition Act. It made false and malicious criticisms of the President (John Adams) or the Federalist Congress a crime. Vice President Thomas Jefferson, Adams' likely opponent in the election of 1800, was not protected by the act. The act had a sunset provision so that it would expire at the end of Adams' term. Under the Sedition Act, the Adams administration prosecuted and jailed supporters of Jefferson. The "false and malicious" criticisms that landed Jeffersonian newspaper editors and a Jeffersonian congressman in jail included statements of political opinion—charges that Adams lacked capacity, was "addicted to ridiculous pomp," favored a standing army, and was responsible for excessive debt. Justices of the United States Supreme Court, sitting as circuit judges, presided over convictions under the act.

Thomas Jefferson, above, was not free to criticize his 1798 presidential election opponent, John Adams, right.

The story from other periods is also bleak. In 1833 the Court ruled that the guarantees of the Bill of Rights did not limit the states. Free speech scholar David Rabban says that after the Civil War and until World War I, many courts embraced a restrictive view of the protections of the First Amendment. Indeed, only in 1925 did the Supreme Court suggest that the protections of free speech and press in the national Constitution limited the states.

But if one looks outside the courts, a very different picture emerges. From 1791, when the first Bill of Rights was ratified, to 1868, when the Fourteenth Amendment (our second bill of rights) was ratified—and especially in the years leading up to the Civil War—activists, newspaper editors, ministers, and many politicians embraced strong and protective ideas of free speech. These included broad freedom to discuss all political, social, religious, and philosophical questions, the idea that government had no power to punish unorthodox views, and that a simple bad tendency to cause harm in the long run did not justify suppression of speech. Furthermore, free speech was advocated as a basic privilege of all American citizens that no state had the right to abridge.

This strong view of free speech often had substantial public support. It emerged most fully in the struggle against slavery and the battle for free speech for opponents of slavery. This fact is part of the background of the Fourteenth Amendment. So it is relevant to constitutional protection for free speech because the Fourteenth Amendment is the vehicle by which states are required to respect free speech, press, petition, and religion.

Beginning in the mid-eighteen-thirties, abolitionists began to demand that Southern slaveholders recognize that slavery was a sin and immediately free their slaves. They sought to convert not only Southerners but Northerners to their views. The South responded by laws that criminalized speech that tended to cause slave or free Negro discontent—and with vigilante action. Southerners understood their laws to apply to abolitionist criticism of slavery. In the North also, mobs dispersed abolition meetings and destroyed anti-slavery presses. The nation faced a defining moment. Slave states demanded that free states also pass laws to suppress abolitionist speech and organizations, on the theory that slavery could not be secure in a nation that tolerated harsh criticism of the institution. In the end, Northern states refused and criticism of slavery continued.

Supporters of suppression espoused a number of constitutional theories to justify silencing opponents of slavery. First, the Southern elite and their allies suggested that abolitionist speech could be suppressed because of its bad tendency to cause slave revolts and sectional conflict. Second, they noted that the Constitution recognized slavery. As a result, they said, anti-slavery speech violated the constitutional compact and was not

entitled to protection; the pro-slavery policy of the Constitution trumped any free speech claim. Third, they said, anti-slavery speech was seditious. Fourth, it was like libel. Just as libel and slander of individuals were criminal, so was libel of the entire group of slaveholders. Finally, they claimed these attacks on slavery inflicted emotional distress on slaveholders—wounded their feelings—and that was another justification for suppression. If Northern constitutions protected such abuses of free speech, Southerners insisted, then Northerners must promptly change their constitutions.

In 1837, in Alton, Illinois, a mob besieged defenders of Elijah Lovejoy's abolitionist press. The mob wanted to throw the press into the Mississippi River as it had done with three earlier Lovejoy presses. Lovejoy, the newspaper's editor, was killed defending his fourth press from the mob.

The event was a turning point. In the North, editors, ministers and activists insisted that Lovejoy was exercising a privilege secured to all Americans by their national constitution, the right to freely discuss all political, moral, and social issues. For many, the attack on Lovejoy symbolized slavery's attack on the liberty of the North.

When in 1854 Congress, bowing to Southern demands, repealed the Missouri Compromise and opened all national territory to slavery, a political earthquake produced a new party, the Republican party, committed to the restriction of slavery to the Southern states. By 1856–59, slavery was the number one political issue facing the nation. A great national party had been formed based on a policy of containment—to prohibit slavery in the territories. While Republicans disclaimed any national power to abolish slavery, they insisted that slavery was wrong and must be put on the road to ultimate extinction.

Republicans hoped to develop a Republican opposition in each Southern state and to use the democratic process to attack slavery from within the Southern states themselves. But Southern states treated Republican speech as criminal; Republicans could not campaign in the South. Southern slaveholders were unwilling to expose slavery to the vicissitudes of Southern anti-slavery political agitation, convinced that the institution could not survive it.

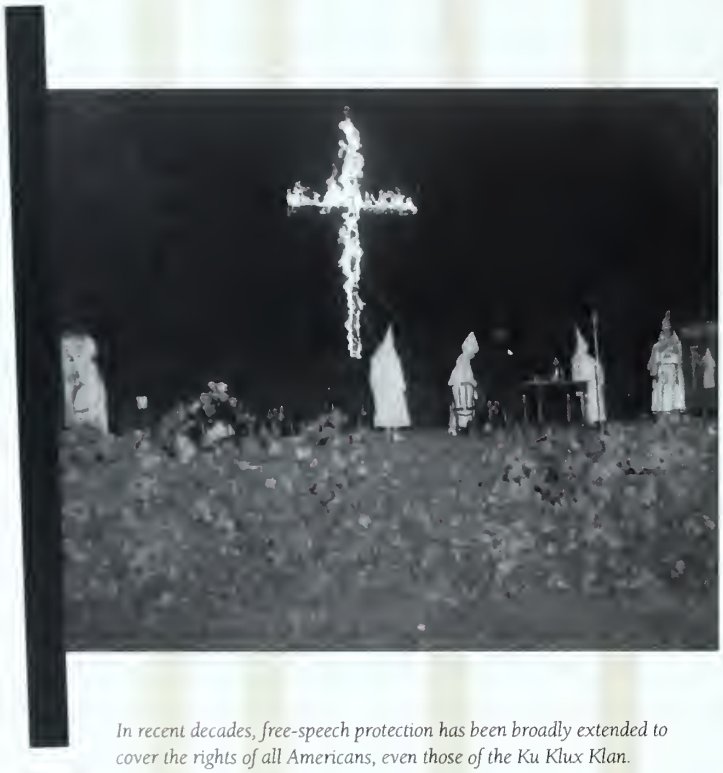
In 1856, in North Carolina, Benjamin Hedrick was a talented and popular professor of chemistry at the University of North Carolina. He announced his support for John C. Fremont, the Republican candidate for president. As a result, Hedrick was fired from his teaching job at Chapel Hill, and a mob drove him from the state. In 1857, another North Carolinian, Hinton Rowan Helper, wrote a book attacking slavery. Helper called on non-slaveholding white Southerners to unite for political action to abolish slavery at the state level. Helper insisted that slavery caused Southern economic backwardness, and injured

HULTON GETTY / ARCHIVE PHOTOS

Enraged slavery supporters burned Elijah Lovejoy's abolitionist press in Alton, Illinois, in 1837.

Supporters of suppression espoused a number of constitutional theories to justify silencing opponents of slavery.

By the sixties, the Court was providing remarkably strong protection for all sorts of speech.



In recent decades, free-speech protection has been broadly extended to cover the rights of all Americans, even those of the Ku Klux Klan.

non-slaveholding whites. He called for free speech and democratic action. But if "the lords of the lash" and their "cringing lickspittles" used violence against the anti-slavery party, Helper said the non-slaveholders should resist. There were, he pointed out, at least three non-slaveholders to every slaveholder, not counting the slaves who "in nine cases out of ten would be delighted to cut their masters throats."

Helper's book got an enthusiastic reception from Republicans. Here was a Southerner who pointed out the danger slavery posed to the free white laborers in the South and of course, the danger slavery in the territories would pose for the people of the North. Three-fourths of Republicans in the House endorsed a plan to publish an abridged version of the book as a campaign document. John A. Bingham, future author of most of section one of the Fourteenth Amendment and several Republican members of the committee that reported the proposed Fourteenth Amendment to the Congress were among the endorsers.

Then John Brown launched his raid on Harper's Ferry, an effort to start an anti-slavery guerilla war. (Initially, abolitionists had favored peaceful methods. Now, however, after years of Southern suppression of anti-slavery speech, some militant abolitionists favored violence. Republicans, typically, did not. As many Democrats saw it, however, Republicans were fellow travelers.)

Democrats in Congress sought to use the most inflammatory passages in Helper's book to tie Republicans to the Harper's Ferry raid. Helper, they said, had written an incendiary book; it advocated fire, arson, and cutting throats. It was not a fair reading of the book. These Democrats portrayed Republican endorsers of Helper's book as accessories before the fact to the John Brown crime. A North Carolina grand jury indicted the endorsers of the book and North Carolina sent a request to the governor of New York, to extradite all endorsers, including, incidentally, the New York governor himself. In the South endorsers and circulators of Helpers book were treated as felons. In the North, the endorsers and circulators were mainstream leaders and members of the Republican party.

A number of Republicans defended the book. They insisted on freedom for anti-slavery speech directed to white Southerners. These Republicans said Southern states were violating constitutional guarantees of free speech, free press, and freedom of religion. They called for freedom of speech on all public questions, all social questions, "all questions that concern the human race" and endorsed "the boldest discussion." They denied that Helper's book advocated arson and murder. Those who made such charges, these Republicans said, had never read the book. They demanded that the South protect "Northern citizens" in "the enjoyment of their constitutional rights." In the words of one Republican congressman, "the North demands freedom of speech and of the press; and if your peculiar institution cannot stand before them, let it go down."

In response to the uproar over Helper's book, every Republican in the Senate who voted on the matter supported the following free speech resolution:

"[F]ree discussion of the morality and expedience of slavery should never be interfered with by the laws of any State, or/and the United States; and the freedom of speech and of the press, on this and every other subject of domestic and national policy should be maintained inviolate in all the states."

The Senate resolution was consistent with the Republican campaign slogan: "Free speech, free soil, free territories, free labor, and free men."

To the extent free speech was protected in these early years, protection came not from courts but from citizen activists. They developed theories of free speech that were only much later adopted by courts. The Fourteenth Amendment was a culmination of their struggle for national free speech guarantees, though much of its promise as a free speech guarantee was recognized by the Supreme Court only after 1930. In cases during and after World War I, the Court upheld suppression of anti-war speech and speech that advocated revolution. The Court held even anti-war speech that advocated peaceful political change could be suppressed if it had a bad tendency to cause harm in the long run. Soon, however, Justices Holmes and Brandeis began to dissent. From their dissents a much more protective view of the First Amendment began to emerge, and this view reached fruition in Supreme Court's decisions in the thirties, forties, and sixties.

The protection of free speech shrank during the Red Scare of the fifties. But by the sixties, the Court was providing remarkably strong protection for all sorts of speech—for anti-war speech, for the speech of advocates of integration, and for that of the Ku Klux Klan. Without very grave and immediate danger, government could not suppress political speech because of its message. It could not establish orthodox views or suppress heterodox ones. The First Amendment protected even false and defamatory statements about public officials unless made recklessly or with knowledge that they were false.

These protective free speech ideas were not simply recent inventions of the Supreme Court, however. Instead they revived and developed broad free speech ideas that had been embraced by those who supported free speech for Jeffersonians, for abolitionists, by many Republicans, and by those who supported the right to engage in anti-war speech during the Civil War. The struggle against slavery was not merely a struggle for freedom for the slaves. It contributed basic guarantees for the freedom of all Americans. Recalling the ideas of those who made these early struggles for free speech is crucial to understanding the Fourteenth Amendment as a free speech guarantee. ⚖

LOUIS D. BRANDEIS COLLECTION, SPECIAL COLLECTIONS DEPARTMENT, BRANDEIS UNIVERSITY LIBRARY

From the dissent voiced by Justices Oliver Wendell Holmes, left, and William Brandeis, right, emerged a much more protective view of the First Amendment by the Supreme Court.

Good because They Are

Wake Forest School of Law teaches that pro bono and service work are as much a part of being a good lawyer as mastery of the law.

For one day at the start of classes each fall, about 150 first-year law students can be found sorting food for delivery to low-income families, wielding hammers and shovels for Habitat for Humanity, or lending a hand at AIDS Care Services, the Second Harvest Food Bank, or Crisis Control Ministries. They are participating in the Student Pro Bono Project (*see related story*), just one of many ways law school faculty, staff, and students work throughout the community, serving the public good.

Dan Cowan: advocating legal access for all.

The School of Law's mission includes instilling in each student a devotion to the ideal of public service. In addition to community organizations, service opportunities at the school include the student Public Interest Law Organization, the Teen Court, and the Domestic Violence Advocacy Center. These service opportunities are preparing Wake Forest law students to follow the role models of many law school alumni, who serve in capacities ranging from local United Way boards of directors to soup kitchens.

One of those alumni is Don Cowan ('68), a partner in Smith Helms Mulliss & Moore, L.L.P., which in 2000 was recognized by the Greensboro Bar Association and the N.C. Bar Association for its pro bono services.

"Any lawyer who is exposed to criminal defendants or civil cases in which the person can't afford a lawyer can see that without one, they don't have access to the justice system," said Cowan, who served for nearly a decade on the board of Legal Services of North Carolina. "That's enough to make you see that you have a responsibility when you are sworn in, to be sure that everyone has the same access to the criminal and justice system.

"You see people who have had been evicted from their apartment or who have had their car repossessed, as well as people who are charged with murder, and you know that if they don't have a lawyer—a good lawyer—they're lost," he continued. "They should have the same rights that top executives should have.

"I came through Wake Forest in the late sixties, when the dean of the law school was Carroll Weathers, who taught that a lawyer's commitment to the profession is not getting billable hours and fees, but making sure that people have legal access," Cowan said. "It has a synergistic effect; the more you come in contact with people who need lawyers and can't afford them, the more you see that the

Good

by Sheridan Hill

profession won't survive if everybody doesn't get access. This is what he instilled in us."

Just what is a lawyer's professional responsibility to provide legal services to community groups and those who can't afford to pay? The most widely adopted code is Model Rule 6.1 of the ABA Rules of Professional Conduct, which challenges each lawyer to render at least fifty hours of pro bono public service each year. Most states, including North Carolina, have adopted some form of this rule. One of the ways the North Carolina Bar Association encourages pro bono work is through annual public service awards.

A number of Law School alumni have received the Pro Bono Attorney of the Year Award from the North Carolina Bar Association. Established in 1984, the award recognizes lawyers who provide exceptional pro bono legal assistance to low-income citizens in the state. Wake Forest alumni who have been awarded this distinction include Manlin M. Chee in1990, Robert M. "Hoppy" Elliot in 1991, H. Randolph "Dolph" Sumner in1996, and The Honorable William B. Reingold in 1998.

Manlin Chee

"I do a lot of work with poor people and those who are called boat people," said Manlin M. Chee ('78). "I am probably the only immigration lawyer or one of a few in North Carolina who works consistently with poor people in deportation." As such, she travels to Atlanta at her own expense to fight for her clients' rights in immigration court. For several years Chee also served on the appointed-lawyer list to assist criminal aliens in state prisons.

Manlin Chee: 'To these people, it's a big deal.'

And yet, Chee's public service doesn't stop with legal work alone. As a community service, Chee teaches English as a second language to elderly people to help them pass the U.S. citizenship test, which requires the ability to read and write English and some knowledge of the U.S. Constitution and American history. She also is an advocate for families on a personal, individual level.

"The poor don't necessarily know that their child is eligible for financial aid to go to college," said Chee, who also has won the American Bar Association's national award for Pro Bono Attorney of the Year. "I help them find financial aid, apply for in-state tuition, and help them through the appeals process. Sometimes they qualify as citizens but are the children of noncitizen parents, and so there is often quite a lot that they need help with."

The child of a Singapore medical doctor and a teacher, Chee came to Greensboro as a foreign student in 1979, earned a bachelor's degree in education and history at Guilford College, returned to graduate school to study language arts, and finally completed her studies at Wake Forest School of Law and settled into practicing law.

At the national ABA awards ceremony, Supreme Court Justice Sandra Day O'Connor was so moved by Chee's story that tears welled in her eyes.

"The pro bono work is no big deal for us," Chee said. "But to these people, who are certainly not in the good old boy network and who can't get ahead by pulling strings or using their writing skills—it's a big deal for them."

H. Randolph "Dolph" Sumner

H. Randolph "Dolph" Sumner's ('82) ongoing volunteer work resulted in his nomination for Pro Bono Attorney of the Year for six or seven years in a row before his name was chosen in 1996.

"I think they just wanted to get my name off the list," he said recently, making light of his long record of public service. Sumner is a partner in Alala Mullen Holland and Cooper, which provides domestic abuse legal services to Legal Services of Gaston County. The Gaston County Bar Association gave him its award for distinguished service in a volunteer capacity for seven of the twelve years between 1988 and 1996.

"I learned the importance of public service work from older lawyers who never heard the words, 'pro bono,'" he said. "They just knew that someone needed help and they would provide it."

One of the lawyers who deeply influenced Sumner's desire to assist those in need was Wake Forest Law Professor David Logan. "In teaching ethics, he made it known that being an attorney involves more than practicing law—it means giving back to the community," said Sumner of Logan.

What goes around comes around, and the results of Sumner's pro bono work came back to him recently after a speaking engagement to a group of nurses. "A lady came up to me and thanked me for helping her get away from her abusive husband," he said. "Now she works in human services, helping others.

His wife, Wake Forest law alumna Elizabeth Neisler Sumner ('82), also gives her services to the indigent, preparing wills and living power of attorney documents without charging a fee.

"I can tell you this," he said of pro bono work. "It is worth ten times what you put into it."

William B. Reingold

William Reingold: 'Nothing is more rewarding.'

"One of the primary reasons I went to law school was to help people who were not in a position to help themselves," says Judge William B. Reingold ('83). "Since then, I have become even more conscious of how many people in our society are not in a position to fight for their rights.

"The legal profession bears the brunt of many jokes, but whenever anybody has a problem, the first thing they do is turn to their attorney to make sure their rights are protected and that those who are bigger and more powerful are not in a position to take advantage of them."

For a number of years, Reingold showed up at local high schools at 7:30 in the morning to talk to ninth graders about making wise decisions in life. His public service also includes countless hours helping establish the Domestic Violence Advocacy Center, along with School of Law Professor Suzanne Reynolds and Kay House,

OFF ON THE RIGHT FOOT

Students start with an afternoon of service

Brett Loftis: 'It's the concept of, much has been given, much is required.'

In 1998, Jessica Benjamin and Brett A. Loftis, the president and vice president of the student Public Interest Law Organization (PILO), conducted an informal survey of fellow students and came up with an interesting finding. Thirty-five percent of students entered law school with an interest in going into public interest law, while the actual placement number of graduates in public interest law was only 1 percent.

"We decided to make opportunities for people who are inclined to pro bono work," Benjamin said. "We wanted to make it easy and convenient. We also felt that if we support these values early in someone's law practice, they would carry on throughout their career."

Benjamin and Loftis soon developed the idea for the Student Pro Bono Project, which would send first-year law students into the community during their first week to devote an afternoon to public service.

"It's the concept of 'much has been given; much is required,'" Loftis said. "Both Jessica and I came from very supportive families, and we felt it was our obligation to do something for the community."

Benjamin and Loftis' enthusiasm led the administration to make the Student Pro Bono Project a mandatory part of first-year orientation. More than half of the law school faculty has worked with the students each year, and the administration has given full support to the project.

the executive director of the Legal Aid Society of Northwest North Carolina. The program, established in 1996, won the prestigious Harrison Tweed Award from the American Bar Association, as well as an award from the North Carolina Bar Association. Wake Forest third-year law students and attorneys who are members of the Forsyth County Bar Association provide swift service to victims of domestic violence through the DVAC.

"We were so frustrated with seeing battered individuals who either were not showing up for court or were completely out-manned, with the batterer standing across the courtroom from them and often with a lawyer. Often, the battered person would just drop the charges."

Immediately, the work of DVAC turned formerly dire statistics upside-down. Before the program was implemented, about two-thirds of battered individuals returned to live in abusive homes. Now, battered spouses in Forsyth County are much more likely to begin anew: in 1997, the success rate was about 66 percent. The local domestic-related homicide rate has declined, and battered individuals are now being protected in the legal system in a way that they couldn't access in the recent past.

"If you can break the cycle of violence in one family, you have stopped the cycle of violence for generations," Reingold said. "You are actually saving lives, and nothing is more rewarding than that."

Robert "Hoppy" Elliot

As general counsel for the American Civil Liberties Union and a former president of the state ACLU affiliate, Robert "Hoppy" Elliot ('77) has stepped forward to represent unpopular causes, and he has done so with courage and conviction.

At the time the state bar association named him Pro Bono Attorney of the Year in 1998, a significant chunk of Elliott's time was devoted to a lengthy death penalty case which involved post-conviction work after an appeal had failed. "Basically we were trying to save a man's life," Elliot said. In another case, his firm, Elliot Pishko Gelbin and Morgan, represented a woman whose husband had been removed from their home and placed in a nursing home by the local department of social services. The couple were emotionally devastated by the move, and Elliot's firm convinced a jury that the two would suffer more from the depression caused by their separation than any type of physical or medical neglect that the social services department had feared. The couple were reunited.

Robert 'Hoppy' Elliot: stepping forward for unpopular causes.

In addition to representing the under-represented, Elliot serves on the Winston-Salem Human Relations Commission. He is married to Suzanne Reynolds, who helped establish the Domestic Violence Advocacy Center.

"People have different views on defining 'pro bono' but I define it as work taken for a reason other than for monetary compensation," Elliot said. "Sometimes it's underpaid, sometimes a risk that you will ever get paid, but the lawyer has decided this case ought to be taken, regardless of pay.

"I draw inspiration from other lawyers who have been courageous in taking on issues that nobody else wanted to deal at the time, fighting battles nobody else would fight, taking on difficult causes such as death penalty cases where the whole community is against them. It takes a lot of courage, and I see it every day." ⚖

The two are quick to credit Assistant Dean Debbie Parker for offering initial and continuing support, and Anne Runheim, the current president of PILO, for strengthening and formalizing the Student Pro Bono Project. As enthusiasm for community service has grown, students have begun to publicize additional volunteer opportunities throughout the year.

In October 2000, the National Association for Public Interest Law (NAPIL) recognized the Student Pro Bono Project with the award for Outstanding Project by a NAPIL Member Group. PILO President Runheim accepted this national award at NAPIL's annual convention, while proud graduates Loftis and Benjamin looked on from the audience.

Loftis and Benjamin are also the founders of the Wake Forest Law School Loan Repayment Assistance Program, which provides loan forgiveness for some graduates who enter public interest law careers. The law school has raised $75,000 for the program and also has obtained a $150,000 grant from the Jessie Ball duPont Foundation to support it.

"Our debts coming out of law school are almost insurmountable, and that is a detriment to doing pro bono work," Loftis said. "Now, a few people will be in a better position to do public work because their debt will be reduced."

Loftis is still making less money than many of his fellow graduates, as he serves as a child advocate and the only attorney on staff at the Council For Children in Charlotte. As a law clerk for the Chief Judge of the North Carolina Court of Appeals, Benjamin's opportunities for pro bono work are restricted, but she is able to volunteer at the soup kitchen in downtown Raleigh.

Jessica Benjamin: early support for career values.

Alumni Notes

1960s

LLOYD F. BAUCOM (JD '61) was elected chairman of the Board of Law Examiners. He is a member of the Charlotte, NC, law firm of Baucom, Claytor, Benton, Morgan & Wood, P.A. He has been a member of the N.C. Board of Law Examiners since 1990. He is a member and past president of the Mecklenburg County Bar Association, a member of the N.C. Bar Association, the N.C. State Bar and the American Bar association. He is involved in a number of church and civic activities. He and his wife, Joan, live in Charlotte. They have two children, Jennifer and Jay; and two grandchildren.

W. RICHARD GENTRY (JD '61) resigned as partner in the West Chester, PA, law firm of Buckley, Nagle, Gentry, Brion, McGuire & Morris and accepted a position as counsel to the Blue Bell, PA, firm of Kaplin, Stewart, Meloff, Reiter & Stein. He joins the firm's real estate department and will limit his practice to land use matters.

FRED GILBERT MORRISON JR. (JD '63) attended the Program of Instruction for Lawyers at Harvard Law School in June. He is senior administrative law judge in the N.C. Office of Administrative Hearings.

CLAUDE S. SITTON (JD '63) of Burke County was elected president of the N.C. Conference of Superior Court Judges for 2001 and was elected vice president of the N.C. Bar Association for 2000-2001.

THOMAS P. MCNAMARA (JD '64) has been appointed by the judges of the Fourth Circuit Court of Appeals as Federal Public Defender for the Eastern District of North Carolina. He had been in private practice in Raleigh for 24 years after serving as United States Attorney from 1972-1976. He has the distinction of being the second person in the history of the United States to have served as both United States Attorney and Federal Public Defender.

A. DOYLE EARLY JR. (JD '67) was honored with the Centennial Award by the High Point Bar Association. He has contributed to High Point civic activities since joining the bar in 1967 and has been honored numerous times for his law accomplishments, including serving as president of the 18th Judicial District Bar Association and being named as one of America's best lawyers from 1998-2000.

JAMES L. GRAHAM (JD '67) was elected president of the North Carolina Association of County Attorneys in July 2000 for a one-year term.

DON MADDOX (JD '67) has been appointed to a vacancy on the District Court bench in Lea County New Mexico.

1970s

SAM Q. CARLISLE II (JD '74) and his wife, Cathy, have moved from Rocky Mount, NC, to Pinehurst. Sam has been certified by the N.C. Dispute Resolution Commission to hold Superior Court mediations. His practice will be conducted statewide and will be limited to arbitration and mediation of Superior Court and Industrial Commission cases. Carlysle has recently served as president of Covenant Homes, a housing complex for the elderly and disabled, and is still chairman of Communities In Schools, a "stay-in-school" program for at-risk children. He has been honored by the Pamlico-Tar River Foundation for his volunteer efforts in fighting hog proliferation.

WILLIAM H. FREEMAN (JD '74), Resident Superior Court Judge, has retired after 24 years on the bench. He plans to start a new career as a mediator and arbitrator.

MARY EASLEY (JD '75) is making history as the first first lady in North Carolina to work outside the home. She is a law professor at North Carolina Central University and the wife of Gov. Mike Easley.

CATHARINE BIGGS ARROWOOD (JD '76) received one of the Triangle Business Journal's 25 Women in Business Awards. The awards, presented by the Triangle Business Journal and the Raleigh Chamber of Commerce, honor women in the Triangle area that have shown leadership in business. Arrowood was nominated by the Wake County YWCA. She is a partner in the Raleigh office of the law firm of Parker, Poe, Adams & Bernstein, L.L.P. and is a commercial litigator in the firm's commercial contracts practice group. She is also a member of the firm's management committee.

ALLEN HOLT GWYN (JD '76) has completed his term as chair of the American Bar Association Forum on the Construction Industry. He is the first North Carolinian to serve in this capacity.

KENNETH R. JACOBSON (JD '76) is chief financial officer and general counsel for Reynolds Smith and Hills, Inc., an architectural, engineering and planning firm headquartered in Jacksonville, FL. He accepted the position in December 1999 after 23 years in private practice in Greensboro. He and his family live in Ponte Vedra Beach.

JAMES K. DORSETT III (JD '77) was selected by the nominating committee for election to the office of vice president of the North Carolina State Bar. A partner with Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P. in Raleigh, he practices in the area of civil litigation with a concentration in business and commercial cases, products liability and personal injury matters. He, his wife, Wynn, and their four children, Elise, 12, Rush, 10, James, 8, and Grace, 3, make their home in Raleigh.

1980s

RODNEY R. GOODMAN (JD '80) has been designated chief District Court judge of North Carolina judicial district eight. He has served as a District Court judge for Greene, Lenoir and Wayne counties since 1980. He and his wife, Cathy, have two children, Laura, 17, and John, 14. They reside in Kinston and attend Queen Street United Methodist Church.

TERRI L. GARDNER (JD '81) became chairman of the bankruptcy section of the N.C. Bar Association in June. She will hold this position for one year and preside over the bankruptcy council, which is the governing body of the section. She is a certified bankruptcy specialist by the N.C. State Bar Board of Legal Specialization and the American Board of Certification. She is also a chapter 7 panel trustee in the Raleigh Division of the U.S. Bankruptcy Court for the Eastern District of North Carolina. Gardner is a partner with the Raleigh, NC, law firm of Smith Debnam Narron Wyche Story & Myers, L.L.P.

TIMOTHY W. GILBERT (JD '81) has joined the Charlotte office of the law firm of Nexsen Pruet Jacobs & Pollard, L.L.P., as a partner practicing in real estate, banking, finance and corporate law. A Carswell scholar, Gilbert was formerly an associate and partner with the law firm of Horack, Talley, Pharr & Lowndes, P.A., in Charlotte from 1981-2000. A native of Charlotte, he is active in various leadership positions at Providence Baptist Church, as well as other community and charitable organizations. He is a member of the N. C. State Bar and is active in the N.C. and Mecklenburg County Bar Associations. He may be contacted by e-mail at TGilbert@NPJP.com.

Law Fund Update

According to Law Fund Chair Tom Comerford (JD '74) of Winston-Salem, $328,057 had been raised by December 31, a 17 percent increase over the same period last year. Staff and alumni volunteers are working hard to meet the goal of $575,000 by June 30, 2001. If successful, the Law Fund will provide over $275,000 this year for the Law Alumni Scholarship Fund. Your support of this effort would be greatly appreciated.

JOHN R. "JAY" PERKINSON JR. (JD '81) has joined with four other attorneys to form the Vaughn Perkinson Ehlinger Moxley & Stogner, L.L.P. law firm, a practice that will concentrate on estate planning, wills, trusts, taxation and representation of closely held businesses. Perkinson joined Kilpatrick Stockton in 1996 as a partner and prior to that he was a tax partner wtih Ernst & Young, L.L.P., an international accounting firm. He is a member of the N.C. Bar Association's Tax and Fiduciary Law section, the American Institute of Certified Public Accountants and the N.C. Association of Certified Public Accountants.

Giving Briefs

LOAN FORGIVENESS AWARDS

The first recipients of Wake Forest Loan Forgiveness grants will be announced in February 2001. The grants will be awarded to alumni applicants pursuing a career in public interest law with a salary under $35,000. Funding for the program is provided by students, faculty, alumni and a grant from the Jessie Ball duPont Fund.

SIZEMORE SCHOLARSHIP ANNOUNCEMENT

Jim Swisher ('61, JD '62) of Greensboro recently established a scholarship at the law school to honor Professor Emeritus Jim Sizemore. The James E. Sizemore Law Scholarship will provide aid on the basis of academic merit and financial need, with a preference for North Carolina students. The initial goal is to build its endowment to $500,000, thereby providing one full-tuition grant every three years. Jim Swisher would like to encourage other former students of Professor Sizemore to support this scholarship, so if you are interested, please contact Bryan Link, Director of Law Development.

ROSE CHALLENGE UPDATE

In October, Wake Forest University received a challenge grant from an anonymous donor toward the Charles P. Rose Scholarship. The grant was to match 3:1 any contributions or new pledges to the Rose Scholarship up to $50,000 between October 1 and December 31, 2000. The challenge grant was an enormous success, encouraging the donation of over $27,000 in gifts and almost $3,000 in new pledges over the three-month period.

2001 LAW SCHOOL REUNION WEEKEND APRIL 27-28, 2001

Join classmates and faculty at the Wake Forest University School of Law Class Reunion this spring!

Reunion Classes: 1961, 1971, 1976, 1981, 1991

Preparations are in place to welcome the return of the Law Classes of 1961, 1971, 1976, 1981, and 1991 to campus. Please contact the Office of Law Development at 1-800-752-8570 for more information. Look online at www.wfu.edu/alumni/law to find out more about the events each class has planned for reunion weekend. A full schedule of events will be mailed to each class member in March.

FACULTY CAMPAIGN: 90% OF FACULTY MEMBERS MAKE PLEDGE TO CAPITAL CAMPAIGN

In preparation for the University-wide Capital Campaign Kick-Off in April, 37 of the law school's 41 faculty members have demonstrated their support by making pledges to the law school's $40 million campaign.

The campaign will primarily raise money for student scholarships. By the end of the campaign, the law school hopes to double the financial aid budget and be able to provide aid to 50 percent of law students. This will help the school continue to strengthen the academic excellence of students while easing the burden of student loans for graduates.

Members of the faculty are enthusiastic about the campaign and its goals. "Traditional strengths and new initiatives make Wake Forest an exciting place to be in 2001," says Professor of Law Suzanne Reynolds (JD '77). "With the promise of more scholarships, the Capital Campaign has inspired us to think even more creatively about what the future might hold for the Law School."

The following is a list of the participating faculty:
** pledge of $1,000 or more*

Carol B. Anderson
Rhoda Bryan Billings *
Christine Nero Coughlin
Isaac B. Covington III *
Luellen Curry
Michael K. Curtis
Timothy Davis
Miriam E. Felsenburg
H. Miles Foy III *
Ann S. Gibbs
Laura P. Graham
Michael D. Green *
Mark A. Hall
Buddy O.H. Herring
David A. Logan *
Kate Mewhinney
Joel S. Newman *
Steve H. Nickles *
Alan R. Palmiter
Deborah L. Parker *
J. Wilson Parker *
Marian F. Parker *
Ralph A. Peeples
Michael J. Perry *
Suzanne Reynolds
Patricia J. Roberts
Thomas E. Roberts
Charles P. Rose *
Simone Rose
Richard C. Schneider
David F. Shores
Thomas M. Steele
Margaret H. Taylor
George K. Walker
Robert K. Walsh *
Ronald F. Wright
Kenneth A. Zick II *

JOSEPH D. McCULLOUGH (JD '83) has joined the Charlotte, NC, office of the law firm of Nexsen Pruet Jacobs & Pollard, L.L.P., as a partner practicing in real estate, banking and finance. A former member of the editorial staff of the Wake Forest Law Review, he is a member of the N.C. State Bar, N.C. Bar Association (real property section) and the Mecklenburg County Bar Association (real property section). He represents a number of financial institutions in North Carolina and acts as a liaison between these institutions and the N.C. Banking Commission. He has participated in the drafting and preparation of legal seminar texts involving real estate and finance. His community activities include leadership in homeowners associations, coaching youth league basketball and serving on the board of directors and as general counsel for Agape Parc, a respite care facility for children with AIDS. He may be contacted by e-mail at JMcCullough@NPJP.com.

RICHARD HANCOCK MOORE (JD '86) was elected State Treasurer of North Carolina. He won the May 2 Democratic primary with more than 70 percent of the vote. A former federal prosecutor and member of the N.C. House of Representatives, Moore served as secretary of the N.C. Department of Crime Control and Public Safety from 1995-1999. Richard and his wife, Noel Crook Moore, live with their three children, Will, 9, Charles, 5, and Mary, 2, on a farm in Vance County.

MARGARET SHEA BURNHAM (JD '83) has been elected to the N.C. Bar Association's Board of Governors for a three-year term. A partner in the law firm of Adams Kleemeier Hagan Hannah & Fouts, P.L.L.C., she concentrates her practice in the areas of real estate and litigation. She is a board certified specialist in real estate law: business, commercial and industrial transactions by the N.C. State Bar Board of Legal Specialization.

RANDALL J. ANDERSEN (JD '85) lives in Madison, WI, with his wife, Kathy, and their two sons, Bret, 4, and Eric, 1. He is a partner with Kay & Andersen, S.C. He is active in bicycling and cross-country ski racing and has competed for the last six years in the American Birkenbeiner, North America's largest cross-country ski marathon.

GREGG E. MCDOUGAL (JD '87) has moved from the Augusta office of Kilpatrick Stockton, L.L.P. to co-lead the litigation section for the law firm's Raleigh office. He joined Kilpatrick Stockton in 1987 and became a partner in 1995. He was honored with the J.W. Fanning Fellow Award in 1999 for his outstanding service and dedication to civic leadership.

J. THOMAS WATERS (JD '87) was reelected to serve a second term as president of AFSCME Local 3290, AFL-CIO. Local 3290 represents staff attorneys and support personnel within the Federal Aviation Administration's Office of Chief Counsel. The members of the bargaining unit also appointed him to represent them in the ongoing contract negotiations. He is also a major in the

First Rose Scholar named

Third-year Wake Forest law student Steven J. Antini, an active member of the Wake Forest School of Law community, has been named the first Charles P. Rose Scholar.

"It is a real honor to be the first recipient of the Rose Scholarship," said Antini, who is president of the Student Bar Association. "It has helped alleviate the need to work part-time and has allowed me to concentrate on my duties as SBA president."

Antini, who hails from White Plains and Brewster, New York, is a graduate of the University of North Carolina at Wilmington, where he was the James E. L. Wade Scholar in history, vice president of Phi Alpha Theta, an international honor society in history, and a member of Pi Sigma Alpha, the national honor society in political science. While at Wake Forest, Antini has been heavily involved with the Student Bar Association, serving as a representative during his first and second years. In 1999, he participated in the law school's summer abroad program, studying European Community Law and Comparative Tax Systems at the University of Venice.

The need-based Rose Scholarship was established in 1999 in honor of Wake Forest Law Professor Charles P. Rose by a committee of his former students. The Rose Scholarship Committee hopes to have the scholarship fully endowed within a few years, eventually enabling the school to make a full-tuition award to a Rose Scholar in every class.

Antini received $5,000 and was chosen on the basis of an anonymous essay, said Melanie E. Nutt, director of admissions and financial aid.

Antini says he would like to do e-business consulting after graduation, and eventually become involved in politics. He will be working in Washington D.C., following graduation in the spring.

U.S. Marine Corps and serves as an adjunct faculty member of the Marine Corps University. He teaches Law of War, international law and human rights. He also hosts a local television show titled "Community Commitment."

C. DOUGLAS MAYNARD JR. (JD '88) of The Maynard Law Firm has been reappointed chair of the legislative committee of the litigation section of the N.C. Bar Association. He has been reappointed to the legislative committee of the N.C. Academy of Trial Lawyers and named Legal Affairs Chair (Amicus Curiae) of the auto torts section of the N.C. Academy of Trial Lawyers.

ELIZABETH MORRISS SRINIVASAN (JD '88) is senior attorney for the Battered Women's Justice Project in Harrisburg, PA, having resigned as director of legal services for the Domestic Violence Center of Chester County, Inc. in West Chester, PA.

BOB HUMPHRIES (JD '89) was promoted to the position of assistant chief counsel of the U.S. Customs Service. He is in charge of the chief counsel's office in El Paso, Texas.

ROBERT B. RICHBOURG (JD '89) was admitted to practice before the United States Supreme Court on March 27, 2000. He was appointed by Georgia Gov. Roy E. Barnes as solicitor-general of Tift County. He will continue to practice as partner at Carter & Richbourg, L.L.P., in addition to his duties as solicitor.

1990s

ROBERT G. SPAUGH (JD '90), a solo practitioner in Winston-Salem, has been elected chair of the ethics and grievance committee for the Forsyth County Bar Association for 2000-2001.

MARK TAYLOR (JD '90) is in charge of the patent law group at the law firm of Stoll, Keenon & Park, L.L.P. in Lexington, KY. He lives in Lexington with his wife, Lou Ann, and their son, Steve.

D. BETH LANGLEY (JD '92) has been appointed vice-chair of the labor and employment section of the North Carolina Bar Association. She is a partner in the law firm of Adams Kleemeier Hagan Hannah & Fouts P.L.L.C in Greensboro, NC. She focuses her practice on employment, immigration, civil rights and consumer law. She is an adjunct professor of law at Wake Forest University School of Law. She litigates employment and consumer matters in state and federal court, including wage and hour, wrongful discharge, Title VII, ADA, ADEA, FMLA, FDCPA and FCRA matters.

F. DOUGLAS "DOUG" BANKS (JD '93) is a partner in the law firm of Poyner & Spruill, L.L.P. He practices in the areas of insurance subrogation, construction law, products liability and commercial litigation. Since joining the firm in 1999, he has participated in the development of national subrogation programs for several insurance carriers. He also regularly represents closely-held businesses in litigation and employment matters. He practices out of the Charlotte, NC, office and can be reached at (704) 342-5287 or at dbanks@poynerspruill.com.

KEN DARTY (JD '93) has resumed his practice as a solo practitioner in the Law Offices of Kenneth B. Darty, P.L.L.C.. He has received more than 25 successful verdicts in the over 50 superior court and federal jury trials for which he has served as counsel. Though his primary focus is criminal law, he has one of the largest civil practices in his hometown of Statesville, NC, having won one of the largest civil (personal injury) verdicts in Iredell County in the last 10 years. He is the father of two children, Jordan, 8, and Kaleigh, 6.

KEN HUNT (JD/MBA '93) is vice president of marketing at Paradigm Genetics, Inc., a functional genomics company. He joined Paradigm from The Monsanto Company, where he was director of business development for the nutrition sector. Previously, he was director of business development for Monsanto's Designer Fibers.

HOLLY J. GUEST (JD '93) has accepted the position of senior counsel at Hasbro, Inc., practicing licensing, intellectual property and entertainment law.

JAYSON SOWERS (JD '93) has joined the law firm of Riddell Williams as an associate practicing in the areas of insurance coverage, corporate and complex litigation. Prior to joining Riddell Williams, he spent three years as a litigation associate at Betts, Patterson & Minds, P.S. in Seattle, WA. He is admitted to practice in Washington, DE, the Third and Ninth Circuits of the U.S. Court of Appeals, and the U.S. District Courts of Western Washington and Delaware.

WILLIAM PLEASANT (JD '94) and his wife, Shannon Hefner Pleasant, have moved to Fayetteville, NC, where William has joined his family business, Ready Mixed Concrete, as vice president and general counsel. Shannon is staying at home with their two sons, Benjamin and Alexander.

KIMBERLY H. "KIM" STOGNER (JD '94) has joined with four other attorneys to form the Vaughn Perkinson Ehlinger Moxley & Stogner, L.L.P. Law firm, a practice that will concentrate on estate planning, wills, trusts, taxation and representation of closely held businesses. Stogner holds the Certified Financial Planner designation. Prior to her law career, she worked for Wachovia Bank in Winston-Salem and Greensboro and for Continental Bank in Philadelphia. She is a member of the N.C. Bar Association and its Fiduciary

Law section, the Forsyth County Bar Association and the Winston-Salem Estate Planning Council, where she is a past board member.

JENNIFER B. THOMAS (JD '96) has joined the law firm of Bell, Davis & Pitt, P.A. as an associate. Her practice will concentrate in commercial transactions. Prior to joining Bell, Davis & Pitt, she was an associate in the Raleigh, NC, law firm of Howard, Stallings, From & Hutson, P.A. Before entering private practice, she served as judicial clerk to North Carolina Court of Appeals Judge Ralph A. Walker.

RUSSELL W. DEMENT III (JD '97) is in private practice as an associate with DeMent, Askew, Gammon & DeMent. He spent two and a half years in the Wake County District Attorney's Office and is now practicing criminal and civil law with his father, Russell W. DeMent Jr. (JD '65) and sister, Angela L. DeMent (JD '88). Rusty and his wife, Jennifer DeMent, are living in Raleigh with their daughter, 2-year-old Emma Frances, and their son, 7-month-old Russell Weldon DeMent IV.

K. CARTER COOK (JD/MBA '98) has joined the law firm of Parker, Poe, Adams & Bernstein, L.L.P. as an associate in its Charlotte, NC, office. Cook completed a one-year clerkship in 1998-1999 with the Hon. John B. Lewis Jr., North Carolina Court of Appeals.

TROY D. CAHILL (JD '99) has joined the law firm of Bell, Davis & Pitt, P.A., as an associate. His practice will concentrate in general civil litigation. After graduating from law school, he served as law clerk to the Hon. Frank W. Bullock Jr., U.S. District Court Judge for the middle district of North Carolina.

AMY MCMAHAN CRAWFORD (JD '99) completed a master's of law in taxation at the University of Florida in July. She has joined the law firm of Van Winkle, Buck, Wall, Starnes & Davis, P.A., in Asheville, NC. Her main practice areas are estate planning and probate.

MICHAEL H. KAUFFMAN (JD '99) has joined the St. Louis, MO, law firm of Armstrong Teasdale, L.L.P. He is a member of the American Bar Association (member of litigation and antitrust sections), the Illinois State Bar Association and The Missouri Bar. He joined the firm's litigation department.

SARAH ELIZABETH LITTLE (JD '99) lives in Charleston, SC, where she is a junior associate practicing civil defense in the litigation department of Clawson & Staubes, L.L.C.

MATTHEW K. LUNG (JD '99) has taken an associate position with Womble, Carlyle, Sandridge and Rice in their products liability group. He is in their Research Triangle Park office in Raleigh, NC. He and his wife and children moved from Charleston, SC, where he was in practice with the Hood Law Firm.

JONATHAN MEYERS (JD '99) passed the New Jersey and New York Bar exams and has joined Alpert, Butler & Sanders of West Orange, NJ, a firm specializing in commercial litigation and Internet law. He also received a Pro Bono Service Award for assisting low-income persons with their federal tax returns as an IRS volunteer.

JESSICA PETERSON (JD '99) has been admitted to the North Carolina Bar and is working in the Charlotte office of the law firm of Kennedy Covington Lobdell & Hickman, L.L.P. Working in the corporate department, she focuses her practice in health law and general corporate law. Her e-mail address is jpeterson@kclh.com. At Wake Forest, she served as Notes and Comments editor of the Law Review.

ANDREW J. ROGERS (JD '99) has joined the law firm of Blanco Tackabery Combs & Matamoros, P.A. He was a member of the Honor Council at the Wake Forest University School of Law. Before joining Blanco Tackabery Combs & Matamoros, he was associated with the law firm of McNamee, Hosea, Jernigan & Kim, P.A., in Greenbelt, MD. His practice will be concentrated in business.

SARA STICK (JD '99) has joined the firm of Smith, Gambrell & Russell, L.L.P. in Atlanta and is practicing in the area of commercial real estate.

BURNS MALONE WETMORE (JD '99) is an assistant solicitor for the Ninth Judicial Circuit of South Carolina, serving Charleston and Berkeley counties.

2000

BRIAN CORBETT (JD '00) is engaged to Morgan Poteat. The wedding is scheduled for June 2, 2001 at Lake Gaston, NC.

WILLIAM K. KENNEDY (JD '00) has joined the labor and employment law department of the law firm of Montgomery, McCracken, Walker & Rhoads, L.L.P., in Philadelphia.

JENNIFER S. LUE (JD '00) has joined the regulation of business and governmental relations department in the Charlotte, NC, office of the law firm of Parker, Poe, Adams & Bernstein, L.L.P.

DON POCOCK (JD '00) is engaged to Holly Kledis of Asheville, NC. Don has joined the Asheville law firm of Van Winkle, Buck, Wall, Starnes, and Davis, P.A., where he will be practicing civil litigation.

Births and Adoptions

1980s

MICHAEL USAN (JD '87) and Charlotte Usan, Fort Lauderdale, FL: twins, son Jacob Samuel and daughter Naomi Leigh. 7/21/00

R. KENNETH HELMS JR. (JD '88) and Martha Johnson Helms, Monroe, NC: a daughter, Martha Caroline. 5/3/00

1990s

URSULA HENNINGER (JD '91) and Jim Stroupe, Winston-Salem: a daughter, Jordan Elizabeth. 4/27/00. Ursula was voted a member at the Winston-Salem office of Womble Carlyle Sandridge & Rice.

KATHRYN NOAH KOONCE (JD '92) and Calvin Battle Koonce Jr., Raleigh, NC: son, Calvin III. 6/10/00.

AMY DAVIDSON BRYANT (JD '93) and Marc Bryant, Weston, CT: sons, William Weston and Christopher Kyle. 7/5/00. Amy continues to work as vice president of Davidson Capital Group, L.L.C., based in McLean, VA.

MARY BETH JORGENSEN JACKSON (JD '93) and Steve Jackson (JD '92), Gaithersburg, MD: a daughter, Jorgen Marie. 8/13/00. Jorgen has a 2-year-old brother, Jack.

TIMOTHY MCDERMOTT (JD '93), Clive, IA: a daughter, Courtney Elizabeth. 10/23/00

DANIEL G. CAHILL (JD '94) and Sallie Thorpe Cahill, Raleigh, NC: a daughter, Kathryn Chandler. 4/25/00

ERIC ISKRA (JD '94) and Sharon Iskra (JD '94), Charleston, WV: a daughter, Hannah Elizabeth. 4/24/00

WILLIAM R. PLEASANT JR. (JD '94) and Shannon Hefner Pleasant, Fayetteville, NC: a son, Alexander Hefner. 4/20/00

R. BRUCE THOMPSON II (JD '94) and Heather Moore Thompson, Raleigh, NC: a daughter, Grace Battle. 6/15/00

WINSTON PENDERGRASS LLOYD (JD '95) Lesley Vauclain Lloyd, Raleigh, NC: a son, John Martin Lloyd III. 10/23/00

JAMES H. BENSON (JD '96) and Paula Jean Yates Benson, Atlanta: a daughter, Zoe Elizabeth. 1/8/01

DAVID E. INABINETT (JD '96) and Elizabeth Hawkins Inabinett, Lexington, NC: a son, William Blake. 7/4/00

ROBERT A. WELLS (JD '96) and Catherine Caldwell Wells, Greensboro, NC: a daughter, Virginia Catherine. 7/22/00

MICHELLE L. HESS (JD '99) and Jason S. Hess, Raleigh, NC: a son, Holden Scott. 8/1/00. His big brother, Hayes, is 2.

SHAIDA JARRAHI HORNER (JD '99), Winston-Salem: a daughter, Yasmin Jarrahi. 12/7/00. She has been working with Carruthers & Roth, P.A. in Greensboro, NC, since graduation. Her practice is concentrated in business and tax law.

AMY MCMAHAN (JD '99) and David James Crawford. 5/13/00

2000

KATHERINE WINFIELD BARBER (JD '00) and Trent Eugene Jernigan (JD '00). 8/26/00

Marriages

1980s

JOHN D. MADDEN (JD '83) and Robyn D. Leipert. 9/9/00

1990s

JANE MEE (JD '91) married George Cibik in October 1999. She is the director of governmental relations for the State Board of Worker's Compensation in Georgia and she mediates all issues concerning workers' compensation cases. George is a physician in private practice. The couple resides in Atlanta.

KIRSTEN RADLER (JD '94) and Christopher T. Waack. 10/14/00 in Poland, OH. Kirsten is an associate attorney with Christensen & Ehret in Chicago and Chris is an associate attorney specializing in corporate health care with Gardner, Carton & Douglas in Chicago.

PAUL J. DITZ (JD '97) and K. Dale Koontz (JD '98) were married April 30, 2000 in Lexington, NC. Paul is an attorney with Hamrick, Mauney, Flowers, Martin & Moore in Shelby. Dale is an attorney with Stott, Hollowell, Palmer & Windham in Gastonia. The couple resides in Shelby.

Deaths

Alumni

ROBERT DUNN HOLLEMAN (JD '36), July 12, 2000, Durham, NC. Upon receiving his LL.B. degree from Wake Forest, he served in the law firm of Wilson and Holleman until World War II interrupted. During the war he acted as legal counsel for the U.S. Army Corp of Engineers. From 1945-1961 he served as Durham's assistant county attorney, and from 1961-1977 he served as county attorney. After his retirement from public service, he joined the firm of Everett and Everett, where he completed his legal career in 1999. During his law career, Holleman was an active member of the N.C. Bar Association, serving as a charter member of the Bar Foundation Endowment Committee and a member of the Foundation Development Committee. He also served as president of the Durham Junior Bar Association in 1939 and president of the Durham County Bar Association in 1953. He was honored in 1966 as North Carolina's Outstanding County Attorney. He served as president of the Durham Civitan Club in 1950-1951 and was district governor for the Civitan Clubs of North Carolina in 1952-1953, receiving North Carolina's

Outstanding Civitan Award for that service. In 1943-1944 he served as president of the Durham Junior Chamber of Commerce and received its Distinguished Service Award. He was named Durham's Young Man of the Year in 1947 and in 1949-1950 he served as vice president of the North Carolina Junior Chamber of Commerce. As an organizing member of the Braggtown Baptist Church, he served as the first superintendent of the Sunday School and a member of the building committee and chairman of the Board of Deacons. He was also a volunteer Sunday School teacher for over 50 years. Additionally, he served as moderator of the Yates Baptist Association for three years and received its Lay Leader award in 1972. Holleman also served as Consul Commander for the Durham Camp of the Woodmen of the World from 1935-1946, held local and statewide offices in the Knights of Pythias, and was active in the Masons, Scottish Rite, York Rite and Shrine Clubs. For his extensive work with the Boy Scouts of America, he received the Silver Beaver, Scouting's highest civilian honor. In 1965 he was named Durham's Father of the Year, joining his wife, Ruth Tucker Holleman, who had previously been honored as Durham Mother of the Year. Holleman was a long-time member of the Law Alumni Council of the Wake Forest University School of Law.

LONNIE TALTON DARK JR. (JD '49), May 12, 2000.

JOHN ELBERT HALL SR. (JD '55), Jan. 2, 2001, North Wilkesboro, NC. After receiving his law degree, he served as clerk to U.S. Judge Johnson J. Hayes. He was assistant U.S. District Attorney in the mid-1950s and was a practicing attorney for 45 years. He was a member of the North Wilkesboro Elks Club, Wilkes County Bar Association, N.C. Bar Association and Liberty Masonic Lodge #45. He served on the board of directors of the Wilkes County Vocational workshop and Legal Services of the Blue Ridge.

FRED M. UPCHURCH (JD '58), Dec. 5, 2000, Greensboro, NC. He practiced law in Greensboro from 1958 until his retirement in 1993. He was a member of Kappa Alpha Order, Omicron Delta Kappa and other organizations. He was an ardent supporter of Wake Forest, particularly the athletic program. His favorite was the Deacon football team. He is survived by his wife, Judith Golden Upchurch.

ERNEST RAYMOND ALEXANDER JR. (JD '65), Dec. 31, 2000.

BETSY DOTSON (JD '77), April 8, 2000.

PHILLIP JENNINGS BOTTOMS (JD '80), April 4, 2000.

Wake Forest University Spring Schedule 2001

CONTINUING LEGAL EDUCATION

Workers' Compensation - 6 hours (1EC)

March 16	LIVE	McKimmon Center	Raleigh
March 30	VIDEO	Four Points Hotel	Charlotte
April 20	VIDEO	Holiday Inn Select	Winston-Salem
May 11	VIDEO	Renaissance Hotel	Asheville

Estate Planning - 12 hours (2 EC)

April 26-27	LIVE	McKimmon Center	Raleigh
May 17-18	VIDEO	Worrell Professional Center	Winston-Salem
May 24-25	VIDEO	Holiday Inn SunSpree	Wrightsville Beach
May 31–June 1	VIDEO	Four Points Hotel	Charlotte
June 7-8	VIDEO	Grove Park Inn	Ashevlile

Current Employment Law - 12 hours (1 EC)

April 5-6	LIVE	Loews L'Enfant Hotel	Washington, DC
May 3-4	LIVE	Grove Park Inn	Asheville, NC
May 24-25	LIVE	Sea Pines Resort	Hilton Head, SC
June 7-8	LIVE	Sheraton Chicago Hotel	Chicago, IL

Russell Twiford ('52)

The three C's of lawyering

Being seventy-four years old has neither slowed Russell Twiford (JD '52) down nor dampened his enthusiasm for living. The amicable Wake Law School alum walks three miles a day near his home in Elizabeth City, North Carolina, has a handsome, generous face, and often recites poetry such as that of nineteenth-century poet Edmund Vance Cooke: "Did you tackle that trouble that came your way/With a resolute heart and cheerful?"

Before there were requirements for continuing legal education, the quintessential Southern lawyer made extensive written recommendations for the practice of law. For litigation techniques: "Start with a careful investigation and study the statutes: nothing beats knowing the law!" For court appearances: "Sit up straight and do not slump; if the jury gets the impression that you are relaxed and do not have any interest in the case, they will assume this posture themselves." His recommendations for the successful practice of law center around the main virtue of integrity and what he calls the three "Cs."

"Integrity is the foundation of a basic practice of law. It's hard to teach; you've got to learn it for yourself. With that as a base, the three C's are courtesy—if you can't be courteous to a client, then you don't need to represent them; communication—let clients know what is going on, how the case is progressing; and completion—always finish what you start."

Before retiring in 1996, he practiced law in seven North Carolina counties and around the country, primarily civil and criminal litigation. In those forty-five years, he worked from 7 a.m. to 10 p.m., including many Saturdays, and says he was late to court only one time. He returned every phone call every day ("or at least I tried, by calling back at least three times") and replied to each day's letters.

He liked to wear white suits and limited his talks to the jury to no more than thirty minutes. "I know some lawyers go on for four or five hours, but I have always thought that the mind can absorb for only as long as the seat can endure," he said.

At the age of seventeen, he enlisted in the Navy, served three-and-a-half years in World War II and served as a Naval Reserve lieutenant for several years afterwards. From UNC-Chapel Hill he received a certificate in Naval Science and Engineering and an A.B. in Political Science. In 1952, he received his LL.B. from Wake Forest College Law School, and his J.D. degree from Wake Forest Law School.

"In the fall of 1952, I offered my services to any law firm in Elizabeth City for $250 a month, and I was told there wasn't room for another attorney in town," he said. "So I gathered all my law school books, borrowed furniture, rented a room, invested nineteen dollars for a linoleum rug, and hung out my shingle as solo practitioner."

In the ensuing years, he formed strong alliances with some of the most prestigious attorneys, judges and government officials on the east coast, including members of the state and U.S. Supreme Court, and state officials from the governor on down.

Twiford also found great success in real estate ("my hobby," he says), owning hotels and motels, developing condominiums, town houses, and shopping centers, while working to protect some areas from development. Recently, he has worked to preserve the Maritime Forest on the Outer Banks, and donated land to the Nature Conservancy, the state of North Carolina, Nags Head Woods Preserve, Jockey's Ridge State Park, and the Buxton Woods Preserve. He has also donated land to the Kitty Hawk Municipal Center, Nags Head Recreation Center, Dare County Middle School, Dare County Municipal Center, and the Dare County College of the Albemarle campus.

Twiford's community service leadership positions span with the American Red Cross, North Carolina Chamber of Commerce, local Jaycees, and several universities including UNC-Chapel Hill and Wake Forest, including the Law Alumni Council and Law School Board of Visitors. He also established scholarships at Wake Forest School of Law and UNC-Chapel Hill.

Twiford and his wife, Rosabelle, have three children and four grandchildren, all of whom live in Elizabeth City. Most of his half-dozen homes are in eastern North Carolina, which affords him ample access to boating, deep sea fishing and water foul hunting. For longer recreational trips he keeps a home in Aspen-Basalt, Colorado, where he enjoys skiing.

He smiles often and loves to tell stories, especially those that allow him a chance to elicit a laugh. "Persistence, friendship, and humor, these are the three most important qualities of living," he says, with a smile. ⚖

—Sheridan Hill

Wake Forest
JURIST

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